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International Court of Justice

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Official transcript of the International Military Tribunal, in the matter of: The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics, against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 22 January 1946, 1000-1245, Lord Justice Lawrence presiding.

M. MOUNIER: The representative of the French Prosecution is here. He will appear.

M. HENRI DELPECH: Mr. President, your Honors: I had the honor yesterday to begin to explain before the Tribunal the methods of economic spoilation of Belgium by the Germans in the course of their occupation of the country. Coming back to what was said in the course of the general considerations on economic pillage and on the behavior of the Germans in Norway and Denmark and in Holland, I have been able to show that in all places the will to economic domination of National Socialism had manifested itself.

The methods were the same everywhere, at least in their broad outlines. Therefore, in response, at once, to the wish expressed yesterday by the Tribunal, and to fulfill the mission entrusted to the French Prosecution by the Belgian Government to plead its case before your high jurisdiction, I shall limit myself to the main outlines of the evolution, and I shall allow myself to refer for the details of the German seizure of Belgium productivity to the text of the report submitted to the Tribunal and to the numerous documents which are quoted therein.

I have had the honor of calling your attention at once to the existence of the black market in Belgium, its organization by the occupation troops, and their final decision to suppress this black market. One may, in this regard, conclude, as has already been indicated in the course of the general observations, that in spite of their claims it was not in order to avoid inflation in Belgium that the German authorities led a campaign against the black market.

The day the Germans decided to prohibit the black market, they loudly proclaimed their anxiety to spare the Belgian economy and the Belgian population the very serious consequences of the threatening inflation. In reality,

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the German authorities intervened against the black market in order to avoid that the extension of the latter, which grew increasingly large in scope, should in the end absorb all the available merchandise and completely strangle the official market. In a word, the survival of the official market with its lower prices was, in the end, much more profitable for the army of occupation.

I now come, gentlemen, to page 46 of my presentation, to the third chapter, the acquisitions which were regular in appearance. These acquisitions had only one aim, namely the subjection of Belgian productive power. Applying their program of domination of the countries of Western Europe as it had been established even before 1939, the Germans, from the moment they entered Belgium in May 1940, took all the measures which seemed to them appropriate in order to assure the subjection of Belgian productive machinery.

No sector of the Belgian economy was to be spared. If the pillaging seems more striking in the industrial and economic domain, this is only the consequence of the very marked industrial character of the Belgian economy. The sectors of agriculture and of transportation were not to escape the German hold.

I propose to discuss first the levies in kind in industry. The Belgian industry was the first to be attacked. Thus, the military commander in Belgium, in agreement with the various offices of the Reich for raw materials, in agreement with the Four-Year Plan Office and the Ministry for Economics, established a whole program whose effect was to win over almost the entire Belgian productivity to their bellicose ends. On the 13th of December 1940, already it could make known to the higher authorities a series of plans established for iron, coal, textiles, and copper.

I submit Document 162 in support of this statement, a report made by Lt. Col. Helder, entitled, "Change in Economic Orientation." It points out that from 14 September 1940 the armament service of the army was sending to its subordinate formations the following instructions. They are to be found in Document 163. I read the last paragraph of page 41 of the German text:

"I attack the greatest importance to the fact that the factories in the occupied territories, Holland, Belgium, and France, should be, as much

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as possible, put to the contribution of the armament manufacturing of the German forces and to increase the war potential. The Danish establishments are also to be included to a greater and greater extent for deliveries. Moreover, the disposition exercised under the ordinance of the Marshal of the Reich, as well as the ordinance concerning the economy of raw materials in the occupied territories, is strictly to be observed."

All these arrangements quickly enabled the Germans to control and to direct the whole productive force and all the distribution facilities of Belgium towards the German war effort.

The decree of 27 May 1940, Vobel No. 2, submitted under No. 164, created merchandising services whose aim was - and I quote from the third paragraph - "to direct the production and to organize a just repartition and a rational utilization by assuring, as far as possible, the labor class is always in conformity with the orders given by the army group in the form of a general order transmitted to the enterprises where these controlled products are utilized and where they are the object of commercial enterprises."

Article 4 of the same text indicated in detail the powers of these merchandising services, and in particular they were given the right:

(a) to oblige enterprises to sell produce to given purchasers:

(b) to forbid the utilization of certain raw materials; and

finally, to subject to their approbation every sale or purchase of merchandise.

The better to conceal their true objective, the Germans endowed these merchandising services with an independent and juridical personality of their own. Thus, 11 merchandising services were created, taking in the whole of the economy; thus, the coal sector, whose direction was confided to the Belgian Office of Coal. This is embodied in Document 165, which gives the proof of this allegation.

The carrying out of these things was assured, thanks to a series of texts published by the Belgian authorities in Brussels. The latter took, in particular, a decree dated 3 September 1940 as their basis, by virtue of which Belgian organizations resumed the functions of the

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offices which the Germans abandoned to them. These offices were to have varying functions. Although stemming from the Belgian Minister of Economy, they were closely controlled by the services of the German military command.

In this direction, the seizure of Belgian productivity was completed by the appointment of Kommissars of Exploitation, under the ordinance of 29 April 1941, submitted under No 166. Article 2 of this text defines the powers of the Kommissars:

"The Kommissar of Exploitation has the duty of assuring the launching or the functioning of the enterprise which is confided to him, the methodical carrying out of orders as well as the adoption of all measures appropriate to the augmentation of the production of the enterprise."

The decline of the merchandising offices began with an ordinance dated 6 August 1942, establishing the principle of the possibility of forbidding certain manufacturers, or the use of certain raw materials. This ordinance is to be found in the document book under No. 187. A service of merchandising offices was soon organized by the appointment to each of these of a German Kommissar, chosen by the Empire Office Reichsstelle, who was competent. From the last months of 1943, the Ruestungsobmann Office of the Armament Ministry, under Speer's Ministry, assumed the habit of handling its orders directly, without having recourse to the channel of the merchandising services, but even before this date measures had been taken to prevent any initiative that was not in accord with the German war aims.

Beyond, and even before the above quoted ordinance of 6 August 1942, it is proper to quote the ordinance of 30 March 1942, subjecting all setting up or extension of commercial enterprises to the previous authorization of the military commander.

In the report of the military administration that has already been cited, the Chief of the General Staff, Reder, specifies that for the single period of January to March 1943, out of 2,000 enterprises working in iron, 400 were closed down as "working irrationally" or unnecessarily, that is, unnecessarily for the war aims."

These shuttings down of factories seem to have been less dictated by

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preoccupation to rationalize production than by the malicious desire to obtain cheaply a certain amount of tooling and machines of great value. In this sense, it is appropriate to point out the setting up of an Office of Machine Compensation.

The above-quoted report of the military administration of Belgium, in its 11th part, pages 56 and the following, is particularly significant in this regard. Here is an extract from this report, the last paragraph of page 56 in the French translation.

THE PRESIDENT: That passage you read about the Defendant Raeder, was that from Document 169 or 170?

M. DELPECH: Mr. President, I spoke yesterday of the Chief of the Administration Section, Reder. He was sention chief in Brussels. He has no connection with the defendant here.

Document 171, second paragraph of the French text. The paragraph has to do with the Office of Machine Compensation:

"The proof is established by a rapid glance at the compensation operations which have been considered and those which have been carried out. Five hundred sixty-seven requests have been taken into consideration for a total value of 4.6 million Reichsmarks."

I shall pass over the series of figures and I come to the end of the first paragraph, page 56 in the German text.

The juridical basis of the requisition of these machines was the Hague Convention of 1907, Articles 52 and 53, the formula of the Hague Convention which provides for requisition only for the benefit of, and the needs of the occupying power, applied to the circumstances of the year 1907, that is, to a time when war actions were limited to well defined regions and where, in practice, the military force alone had to support the war activities. In view of the limitations in space of war, it was normal that the Hague Convention providing for requisitions solely for the needs of the occupying power should be entirely sufficient to the needs of the conduct of the operations.

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But modern warfare requires at the same time as the maintenance of the conventions of the Hague, their adaptation to the new conduct of war; as much as on the one hand this modern type of warfare, becoming transformed into total warfare, no longer recognizes any limitations in space; and since on the other hand it has become a war of economy as much as a war of peoples.

I skip the rest of this paragraph to the extent to which requisition has been made on the basis of the ordinance of the military commander of 6 August 1942. It may be considered that it was to the end of making known to the Belgian population the necessary rational interpretation of the Hague conventions.

Such an interpretation may leave jurists wondering, jurists who have not been informed in the school of national socialism. It may in any case justify the pillage of industry and the subjection of Belgian production. These few considerations show how subtle and varied were the procedures utilized by the Germans to reach their aims on the economic plane. In the same sense as the preceding developments on clearing operations and the utilization of occupation costs, they make it possible to indicate in detail the methods utilized to bring about massive wholesale levies in the Belgian economy.

If in certain sectors, as in agriculture and transportation, it is possible to determine the scope of economic pillage with a certain exactness. On the other hand, in numerous industrial sectors the computations cannot yet be established. It has not been possible to establish these computations. It is true that a considerable part of the industrial losses correspond to the clearing operations, notably for the stock requisitions. It will therefore be necessary to limit ourselves to the directive to the maintenance of the policy practised by the Germans. It behoves us to examine briefly the manner in which the economic despoliation manifests itself in three sectors: in industry, agriculture, and transportation.

The industrial sector first of all. The statistics of the clearing operations in the first place furnish indication on the total charges suffered by the various industrial groups or departments. On that side, document ECH-19, Report of the Military Administration in Belgium, to which I will refer again and again, gives the following details. Briefly summarized:

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From the beginning of the occupation the Germans imposed a census of stock on which they were to operate considerable levies, notably for textiles and non-ferrous metals. I shall limit myself to speak briefly about textiles and non-ferrous metals. The example of the textile industry is particularly revealing.

On the eve of the invasion, with its 165,000 workers, the Belgian textile industry was the second industry in Belgium in importance after that of metallurg Under the pretext of avoiding the exhaustion of very important stock which still then existed, an ordinance of 27 July 1940 forbade the textile industry to work to more than thirty percent of its 1938 capacity. Only for the period May to December 1940 requisitions were not inferior to one billion Belgian francs. They notably affected nearly half of the wool stock existing in the country on May 10, 1940, and nearly one-third of the stock of raw cotton.

On the other hand, the enforced unemployment or non-operation of factories constituted for the Germans an excellent excuse for removing, on the pretext of rental contracts, the unused machines and tools. When it was not requisitioned it got a low price.

The ordinance of 7 September 1942, which is to be found in the document book under No. 174, determined the manner in which factories should be closed in execution of the right recognized by the occupation authorities. The rights to dissolve certain business groups, business and industrial groups, and to order their liquidation. The pretext given was that of the concentration of enterprises. In the month of January 1944, sixty-five percent of the textile industries' factories had been stopped. I shall not go into the details of this operation, and I shall pass to page fifty-eight of the report.

The report of the German Military Administration quoted above gives particularly edifying figures in regard to production. In a total production of the wool industry of 72,000 tons for the period May 1940 to the end of June 1944, a production representing a value of 397 million Reichsmarks. The breakdown of the deliveries between the German and Belgian markets is the following:

The German market, 64,700 tons for a value of 314 million Reichsmarks.

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Belgian market, 7,700 tons for a value of 83,000,000 Reichsmarks.

The whole despoliation of the textile industry is contained in these figures.

I skip over further details to page fifty-nine.

The Belgian consumption obviously suffered a great deal from the German policy of direction of the textile market. It is still the same report of the Military Administration which furnishes details, pointing out that in 1938 the needs in textile products amounted in Belgium to a monthly average of twelve kilos. The respective figures for the occupation years are the following:

1940 to 1941 - 2.1 kilos per inhabitant.

1941 to 1942 - 1.4

1942 to 1943 - 1.4

1943 to 1944 - 0.7

The exhaustion of Belgian consumption under the Germans is contained within these two figures: twelve kilos in 1938; 0.7 kilos in 1944.

On the other hand, the Belgian Government gives the following indications on the pillage of textile production. Obligatory handing over to Germany during the occupation. The breakdown is as follows:

Cotton woven thread, about forty percent of the production.

For flax tissue, seventy-five percent.

For rayon, fifteen percent.

Finally, out of the textile stocks remaining in Belgium, a great percentage was still taken over by the Germans by the fact of its purchases on the Belgian market; purchase of finished or manufactured products. The counter-value of these forced deliveries can generally be found in the clearing statistics, unless they correspond to occupation costs, which have been misrepresented.

I shall now turn to the industry of the non-ferrous metals. Belgium was in 1939 the largest producer in Europe of non-ferrous metals; particularly of copper, lead, zinc, and of --

The statistics from the military command, which are to be found in Document 173, will furnish the evidence for the Tribunal. On the 18th of

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February 1941, in connection with the Four Years Plans Service, the Reich office for metals and the Supreme Command of the Army elaborated a metal plan which provided for

One, Belgian consumption;

Two, the carrying out of German orders;

Three, exports to the Reich.

These various measures did not satisfy the occupying authorities, who undertook a certain number of campaigns of recuperation which were called special actions, according to a method which they applied in all the territories of Western Europe.

I shall not go into the details of these actions. I shall mention the campaign of recuperation of metals. The printing campaign, the lead campaign, the copper campaign. According to the information

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given by the Belgian Government, Document 146, page sixty-five of the report. According to the information given by the Belgian Government in other realms, but without admitting it, the Gdrmans pursued a policy intended to eliminate or to restrict Belgian competition, so that in case of a German victory the Belgians under consideration would have had to limit themselves to the Belgian market, which would then have remained wide open to German business. This attempt at suppression of competition was manifested notably in certain sectors of the foundry industry, in the textile industries, the workshops of machine construction, secret factories, and construction of railroads, narrow-gauge railroads, the leather industry, and especially the shoe-manufacturing industry, in which the system of destroyed factories was systematically forbidden. But in addition, in the textile industry, as well as in numerous sectors, especially in metal manufacturing, the economic weakening cannot be measured only by the size of the obligatory furnishings, but as in relation to the policy practiced by the occupant.

The Belgian industry in the coal and iron fields, especially, underwent very considerable losses as a result of directives imposed in view of financing at a better figure the war needs.

I shall pass over the question of prices of coal. The control of the coal industry was assured by the establishment of an administrative chief in matters of coal, and by centralization of all sales outlets into the hands of a single organ, a single seller under Belgian direction but provided with a German commissar. This is the Belgian office or bureau of coal, a wholesale seller in the place of a sole purchaser, Rheinisches Westphaelische Kohlensyndikat, which gave orders for deliveries to be made to the Reich from Alsace-Lorraine to Luxembourg. According to the same German report, in spite of the rise in the price of coals agreed to on the 20th of August 1940, 1st January 1941, and 1st January 1943, the coal industry showed in the course of the occupation years considerable losses.

In February 1943 the coal exchange having accepted an increase in sales price of coal, the price per ton was higher than that of the German interior market. The German commissar of mining industry forced the Belgian industry to pay the difference on the exchange for exportation to the Reich by means

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of compensating premiums. The financial losses are indicated by the figures indicated in Documents 176 and 178. The report of the Military Administratic gives in its eleventh part details of the metal industry, which suffered as greatly as had the coal industry under the occupation; the Thomas plant especially. The losses come about from the increase in the cost price as in numerous drops in the price granted to certain elements that enter into the manufacturing, and the obligation to export at higher prices.

In the same sector, according to a memorandum of the Belgian Government, the losses under this heading may be evaluated at three billion Belgian francs. Still according to the same report, out of a total production of 1,400,000 tons, 1,300,000 tons of various products were exported to Germany without including the metal delivered to the Belgian factories working exclusively for Germany. Another aspect of this, according to information furnished by the Belgian Government, the Germans removed on the whole and transported to Germany material of very great value. The total of the industrial spoliation is estimated by the Belgian Government to a sum of two billion Belgian francs at the 1940 rate. These removals constitute a real loss of substance, and according to the fragmentary indications given to the Tribunal this figure of two billion francs is the figure which I ask the Tribunal to make note of.

In the present state of our information it is not easy to estimate the extent of the levies made in industry. It is even more difficult to evaluate in the agricultural sector, of which I shall make a brief development. Page seventy-one.

Aside from the admissible needs of the occupation troops, the German authorities made an effort to obtain a supplement of food levies in Belgium intended to supplant the feeding of the Reich and other territories occupied by the German authorities. After having utilized direct methods of levy, the Germans had recourse to the service of unscrupulous intermediaries in charge of purchasing at any price on the secret markets. The black market in this domain took on such extension that the occupying authorities became concerned and on several occasions, particularly in the course of 1943, had to intervene.

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Aside from the damage to the losses in livestock, there was also damage to the woods and forests, which occupy an important place in Belgium. The damage resulting from abnormal cutting in the forests brought about an excess in deforestation reaching a figure of 2,000,000 tons. The injury to capital caused by these premature cuttings can be evaluated at one hundred Belgian francs per ton. The military operations, properly speaking, caused damage to an extent of one hundred million Belgian francs. According to the memorandum of the Belgian Government, the total of the damage caused in the forest realm reaches a figure of 475 million Belgian francs. Taking account of the damage for abnormal cutting in the forest and for the establishment of airfields, the Belgian Government estimates at approximately one billion Belgian francs the losses undergone by all agriculture during the occupation. It must be noted in this domain that these are net losses in capital, constituting a real exhaustion of substance of inevitable reduction and a consumption or an eating up of the nation patrimony.

I have concluded my consideration of agriculture, and shall now take up the question of transport. The conduct of war led the Germans to utilize to the fullest the railroad network and the canal and river system of Belgium. The result was that the railroads and river fleet are included in the sectors of Belgian economy which suffered most from the occupation and the hostilities which took place on Belgian soil.

German traffic was at once a traffic of personnel demanded by military operations, and a traffic of merchandise, -- coal, minerals, woods, food products, without forgetting the considerable quantities of construction materi demanded by the fortification of the coast of the North Sea.

Railroads. The report of the Belgian Government brings out that the dama undergone by the railroads is expressed at once by losses in capital and by losses in revenue. Losses in capital first of all concerning principally requisitions and removals to which the Germans proceeded in a wholesale fashion on the moment of their entry into Belgium. Thus in particular they immediately made drains on the stock of locomotives on the pretext of recuperating German locomotives given to Belgium after the war of 1914-1918 on the pretext of recuperation.

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In addition to seizures of locomotives, the National Society of Railroads became the subject of numerous requisitions of material, sometimes under the form of rental. These requisitions are estimated at four and a half billion Belgian francs of the value of 1940.

Now we come to losses in revenue. Revenue losses come principally from the free transportation service demanded by the Wehrmacht. They likewise are due to the policy of prices imposed by the occupying power. These levies of these exceptional costs could be borne by the interested societies only by making large drains on the treasury.

Regarding automobiles, I shall say almost nothing. The losses amount to about three billion Belgain francs, out of which individuals have been reimbursed only to the extent of about one billion.

We come now to river transport. Thecarrying out of the plan of economic spoliation of Belgium presented the occupying power with grave transportation problems, which I have already called attention to. In this domain the military administration imposed upon the Belgian boat industry very heavy charges. According to the report of the Belgian Government, the losses undergone by the Belgian River Fleets presents itself under three aspects: requisitions and removals by the Germans; partial or total damage through acts of war, abnormal deterioration of material. These three kinds of losses reach a figure of half a billion francs, of which only one hundred million are represented in the clearing exchange.

Damage to navigable streams can be evaluated between one and a half to two billion francs for the figure of 1940, notably by reason of requisitions and removals of public or private port material. Fishing boats were requisitioned or disappeared without leaving any trace. Others were damaged or underwent losses through requisitions or renting contracts or military maneuvers.

Before closing this chapter devoted to levies in kind, it is necessary to mention briefly the question of removal of industrial material. (page 82).

It has already been pointed out that the policy of production and of professional reorganization of the military administration had as its result, the closing of very numerous enterprises, making it possible for the Germans, as a result, to seize a great number of machines under the pretext

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that they had become unnecessary. There are no industrial branches which were not despoiled in this way. The metal industry seems to be one of those that suffered most.

Though we do not wish to try the patience of the Tribunal too greatly, it seems particularly opportune to briefly draw its attention to the very technique which was used in the organization of levies, whose details were decided upon even before the entry of the German troops into the territories of Western Europe; an organization that put into play, put into use military formations; an organization emanating from the Economic Bureau of the General Staff of the Army, particularly of the defendant Keitel, Chief of the OKW.

The existence of these military detachments, which were veritable pillaging detachments, is proved by various German documents. Under the name of Economic Detachments, "Wirtschaftstruppen", or Special Commandos, these pillaging crews carried out wicked and illegal activities in all the countries of Western Europe. The secret instructions for the Economic Detachment J, stationed at Anvers are found in the file under Number 183. They constitute a very important document, an irrefutable document of the intentions of the Germans to permit pillaging and they prove, too, the contempt of the National Socialist leaders for the rules of international law. These instructions are dated in the last days of May, 1940. I should like to read a few fragments of these instructions to the Tribunal (Document 183, page 1).

"The economic detachments are set up by the Economic Arrangement Office of the High Command of the Wehrmacht. They are placed at the disposal of the High Command of the Army to exercise their activity in the countries to be occupied."

I shall skip to the bottom of page 1 of the German document.

"Their mission is to detect rapidly and completely, in their sector, the products most necessary to the war, lacking products or products in limited quantity, raw materials, products that have been worked on, mineral oils, as well as materials most useful to the war production for the different aims and needsof national defense and to note exactly their quantities.

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"For machines their requisitions will be carried out by the marking of all goods lacking or limited and will be assured by marking and surveillance by guards.

"The economic detachments have, moreover, the mission of preparing the evacuation of goods lacking limited quantity, mineral oils as well as the most important machines and to execute this order of theArmed Forces, these missions are the exclusive responsibility of the economic detachments.

"The economic detachments must begin their activity in the newly

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occupied territories as soon as the battle situation allows."

Machines and raw materials were thus found and identified. New organisms entered into play for their removal and setting up in Germany.

The above quoted document, Document 183, gives precise information on the setting up of the personnel elements of Deplacement J in Anvers. The eight officers are all reserve officers, engineers, wholesale dealers, directors of mines, importers of raw materials, engineering consultants. Their names and their professions are mentioned in the document. These men are, therefore, all specialists in commerce and industry. The choice of these technicians cannot be attributed to mere chance.

According to the above quoted instructions and more especially to the instructions found under date of May 10, 1940, coming from General Hannecke, Document 184, once the machines or the stocks have been identified, the offices are given their work, the R.O.G.E.S. on one hand, and the Office of Compensation of Machines, which I called attention to in regard to the economic pillage of Holland and Belgium.

Another document which is likewise presented under Number 184, shows that the very composition of the economic detachments emanates from the High Command. Quoting from page 6:

"The economic detachments, to which reference is made in paragraph one, are composed by the combination of specialists chosen from industrial fields. Specialists found in occupied territories would seek for and assure the conversion of stocks of raw materials which are important at the present time and of special machines for the manufacture of munitions and of war materials."

THE PRESIDENT: Is that quotation set out in your dossier?

M. DELPECH: The quotation is on page 84, viz.

THE PRESIDENT: Would this be a convenient time to take off?

(Whereupon at 1120 hours a recess was taken until 1130 hours)

Besides the economic detachment to which I have just drawn the attention of the Tribunal, for the removal of machinery and the re-distribution, either to factories working in the country in behalf of Germany or factories in Germany, the direction of the operations was insured by the Bureau of Machine Compensation. Such bureaux were created in all the occupied territories of Western Europe in the last months of the year 1942, upon the order of the Minister for Armaments, upon the order of the defendant Speer and the Department of the Four Year Plan, especially upon the order of the defendant Goering.

The Bureau for Machine Compensation for Belgium and Northern France was created upon the decision of the Executive Chief of the Economic Section in Brussels under date of February 18, 1943. Its activity has already been pointed out to the Tribunal in relation to the despoiling of industries working on non-ferrous metals. Its activity did not stop there. It is found in all branches of industry. Document 185 can give you the figures on each activity. This activity continued the very last days of the occupation. The levies of machinery and industries was not limited to industry. Documents under Nos. 183 and 184 show the extent of the levies, and I shall conclude with the levies of industrial material.

I shall show briefly in the fourth chapter the matter of services, billetting and transport.

By an ordinance dated the 17th of December, 1945, page 88, the Germans imposed the expenses of the billetting of their troops upon Belgium. Having done this, the occupation authorities justified themselves by a rather liberal interpretation of Article 52 of the Hague Convention, according to the provisions of which the occupying power may require levies in kind and in services. The report is contained in Document 186. Article 49 gives the right of requiring the occupying country to defray the expenses. Belgium had to endure expenses as great as 5,900,000,000 francs for billetting expenses, equipment, supplies of furniture. The payments Belgian treasury relative to the billetting of troops is estimated in the report of the Belgian General Military Service at 5,423,000,000 francs. It is evident that under the pretext of billetting expenses, other expenses were entered to the detrimer

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of the Belgian economy, notably -- as in other occupied countries -- the purchase of furniture which was to be sent to Germany.

Secondly, Transportation and Communication. To insure transportation, the Belgian treasury had to advance a total sum of 8,000,000,000 francs and, as already pointed out to the Tribunal, the seizure by the occupation authorities even extended to the river craft, and the plan for transportation of occupation troops which needed rail transport. According to the Hague Convention, Article 53, the occupying army has the right to seize the means of transportation provided that they give them back and that they pay indemnities. The army does not possess the right to force the occupied country to pay for the means of transportation at its disposal.

Third Point, Labour. The deportation of labour to Germany and compulsory labour in Germany has already been presented to the Tribunal. It seems then unnecessary to stress this point. At the most, we should recall certain unfavorable results -- unfavorable to the Belgian economy. The measures concerning the deportation of labor have occasioned a disorganization and an economic impoverishment without precedent. Secondly, the departure of workers and especially specialists insufficiently replaced by unskilled people -- women and adolescents -- brought about a diminution of production. At the same time an increase in cost price which contributed to increase the problem of the financial equilibrium of industrial enterprises. Third remark: the levy of labor was the cause of political and social discontent by reason of the dispersion of families and inequities which appeared in the requisition of workers. Fourth and last remark: the workers were required to furnish levies in domains which were not necessarily their own, with a consequent loss of professional aptitudes. Personnel were divided and reclassified. The closing of the small workshops brought more or less evident modifications in the structure of certain branches of production. The loss thus occasioned is not that which is measured in monetary terms and need not be submitted to your jurisdiction.

I will terminate now and will turn to a last chapter, Chapter 5.

Acquisition of Belgian investments in foreign industrial enterprises, page 93. From 1940 on according to their general policy in all the occupied countries of Western Europe, the Germans were concerned with acquiring

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investments in Belgian financial enterprises in foreign countries. The official German point of view emerges clearly from a letter dated July 29, 1941. It is a letter from the Minister of Finance to the Military Commander in Belgium. I shall submit it under No.187, in the Document Book.

This conception of the right to acquire investments is very far from the motives admitted by the Hague Convention, in the matter of the right of acquisition. Always showing clearly the will of the Germans to enrich themselves, from May 1940, the Germans sought to exert influence over Belgian holding companies. Not being able to directly oppose the international laws, particularly Article 46 of the Hague Convention, they strove to put pressure on the members of the executive boards through persuasion rather than by force. In the course of the conference, which was held May 3, 1940, at the Ministry of Reich Economy, relating to the parts of Belgian and Dutch capital which it would be possible to acquire, it was decided that the Military Commander in Belgium would take all necessary measures to prevent on the one hand the destruction, the transfer, the sale and the illegal holding of all bonds and stocks of these countries, but on the other hand, to incite Belgian capitalists to hand over their foreign securities. The report of this conference is found in the Document Book under No.187. To prevent any capital from thus escaping, an order of June 17, 1940, was promulgated, controlling any exportation of securities without authorization and any acquisition or disposal of foreign securities. From August 2, 1940, the German leaders and the defendant Goering himself took a definite stand on this point. In the course of the general remarks on economic plundering of the occupied countries of Western Europe I have read to you secret directives issued by the defendant Goering, under the No. 105 in the Document Book, page 97.

Despite the desire of the occupying power to have some appearance of legality, the German desire to absorb certain investments met with serious resistance. The occupation authorities several times had to use force to conclude sales, rights which they had reserved unto themselves in the previously cited decree of August 27, 1945. This is notably the case in the investments held by the Belgian Metallurgical Trust and the electrical industries of Eastern Silesia, and it is still clearer in the stock shares of the Metallurgical Society of Austria, which had been dissolved by the Hermann

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Goering Werke.

The Belgian illwill which only increased the German resolve to pillage, showed itself more clearly. In his report December 1, 1942, Document 191, the German Kommissar to the National Bank denounces very clearly this will on the part of the German industry to resist.

Almost all of these acquisitions were regulated by means of clearings. The balance of clearing capital credited in Belgium's favor for the sum of 1.054 millions of German frances, August 31, 1944, represents

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a forced borrowing imposed upon Belgium without any juridical or logical relation to occupation expenses, except the will of the German Hegemony. Such a practice, contrary to the principles of international law and to the rules of the penal laws of civilized nations, falls under Article 6B of the Charter of the International Military Tribunal and constitutes an act of pillage of public or private property such as envisaged in the text of the Charter.

Closely allied to the acquisition of investments, and closely allied to legality, there must be pointed out to the Tribunal, the levies made by the German authorities on foreign property, enemy property, and on property held by Jews. In relation to foreign property seized by the Germans, it must be cited that this regulation was applied to French capital in Belgium despite numerous protests by the French Government. In relation to Jewish property, for the years 1943 and 1944, the figures are presented in Document No. 192, and I am going to include them in discussing the economic stripping of Belgium, page 100. The damages caused to the Belgian economy in its principal sectors have largely been submitted to the Tribunal. A part of the statistical data was taken either from German reports or from official reports furnished by the Belgian Government. The evaluations and figures available are not always sufficiently exact to measure exactly the cost of the war, of the occupation and of the economic stripping of Belgium. Certain losses and certain damages can be expressed only in monetary damages.

Among those first of all we must cite the circumstance of privations resulting from the German domination over a great part of food supplies resulting from the special circumstance of billeting and of clothing. This purely material aspect of the question should not lead us to forget the results of the occupation upon public health. For lack of statistical data, it is difficult to be very exact in the final circumstance of the particular situation of public health. One fact, however, must be remembered.

There was a considerable increase in the number of persons who had recourse to the food service for patients. This number exceeded 2,000 a month in 1941, but went from 2,000 a month in 1941 to 20,000 a month in 1944 -- an increase of ten-fold, despite a regulation which became more and

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more severe in the control of rations. This increase in the food assistance given to ill persons should merit the attention of the Tribunal, for more than its statistical elements, because it is an indication of the increase of illness in Belgium. This increase is itself the result of the undernourishment of the population during the four years of the occupation. This deplorable state of affairs, however, had not escaped the attention of the occupation authorities, as is clear from the letter already cited of the Military Commander in Belgium, which is found in the Document Book under No. 187.

In the domain of food supply in Belgium it has not been possible to insure either the absolute minimum for existence of the civilian population or the minimum of food for workers who work solely for the needs of the German war economy. This undernourishment of the Belgian population was the inescapable result and the most serious result of the huge levies made by the occupation authorities who willfully failed to fecognize the elementary needs of the occupied country to carry out the exclusive Reich war interest. The lowering of the standard of public health and the increase in mortality in Belgium from 1940 to 1945 may then be rightfully considered as the direct result of the spoliations committed by the Germans in Belgium despite all aspects of international law.

I have concluded with the presentation on Belgium. I would like to make a few brief remarks on the economic pillaging of Luxembourg.

In an appendix to my presentation on Belgium it would be proper to present to the Tribunal some information or exact information on the economi pillaging of Luxembourg.

The Government of the Grand Duchy handed over a general summary of its accusations which have been lodged with the Tribunal in No. UK-77, and in which an extract covering the role of crimes against property, the economic part -- figures, in the Document Book under the figure One. The Germans shortly after their advance into the Grand Duchy proceeded to annex it in fact. This attitude, which was quite similar to that which they adopted as far as the inhabitants of the Moselle, Bas-Rhin and Haut-Rhin were concerned, merits a few observations.

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According to their habit, one of the first measures was the forced exchange of the money of Luxembourg at the rate of ten Luxembourg francs for one mark which was the purpose of the ordinance of August 26, 1945, ordinance found in the Document Book under No. 195. This parity, which does not correspond to the respective purchasing power of the two currencies, constituted a considerable levy on the fortune of the nationals and especially insured the Germans an absolute seizure of monetary specie.

It procured for them a way of seizing a considerable part of the reserves of raw materials and manufactured products of the country. The acquisitions were settled in depreciated marks and upon the basis of frozen prices imposed by the Germans.

Finally, by the ordinance of January 29, 1941, the Reichsmark was introduced as the only legal money. By the ordinance submitted under Number 196, the Luxembourg francs and the notes from the Reichskreditcasse and even Belgian franks, considered up to a point as money of the French-Luxembourg Monetary Union, became a foreign currency, dating from February 5, 1941.

I should like to draw the attention of the Tribunal to the fact that among all the countries occupied by Germany, Luxembourg is, with Alsace and with Lorraine, the only country which was totally deprived of its national money.

Moreover, to procure for the Reich the necessary financial means necessary for the prosecution of the war, the ordinance of August 27, 1940 -- Document 197 -- prescribes the forced handing over of gold and foreign currencies. The same regulation prescribed, moreover, that shares and foreign bonds were to be submitted for sale to the Reichsbank at rates and under conditions fixed by the occupying power.

As has already been pointed out, the Germans seized industrial stocks. In this respect, the report dated May 21, 1940 on the economic situation in Holland, Belgium and Luxembourg informs one concerning the stocks found in the country: 1,600,000 tons of iron ore; 125,000 tons of manganese ore; 10,000 tons of iron; 10,000 tons of

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Ferro-manganese; 36,000 tons of laminated products and finished products. The German seizure extended these stocks in the direction of industrial production.

According to the memorandum presented by the reparations commission of the Luxembourg Government, Document 197, the total sum of damages of an economic nature amounts to 5,884,000,000 Luxembourg francs. This document is in 1938.

This figure may be broken down as follows: Industry and commerce, 1,904,000,000; railroads, 207,000,000; roads and highways, 100,000,000; agriculture, 1,673,000,000; damage to property in general, 1,999,000,000.

From the same source, the total loss in capital representing about 33 per cent of the national fortune of Luxembourg, which was estimated before the war to amount to about 5,000,000,000 of Luxembourg francs.

The effect on the financial and monetary situation of the country exceeded 6,000,000,000 of Luxembourg francs.

In these damages, we notably find the increase of monetary circulation and the total sum of forced investments in Germany, 4,800,000,000 Luxembourg francs, as well as a supplementary charge imposed upon those who had to contribute to the Grand Duchy resulting from the introduction of the German fiscal system.

To these charges must be added the skimming of the cream from these benefits that we find in the alleged voluntary gifts of every kind imposed upon Luxembourg. In imitation of what was done in other countries, the ordinance of February 21, 1941, Document Number 199 of the document book concerning Luxembourg, prescribes th at German managers may be appointed in great industrial enterprises, in the steel plants particularly -- and this is the text of the ordinance -- which refused to "militate in favor of Germanism under any circumstances." Their mission was to insure for the Reich, within the scope of the Four Year Plan, the high direction, the high management and control of their exploitation in the exdusive interest of the German war effort.

Thus, on August 2, 1940, the Reichskommissar for the Administration of Enemy Fortunes appointed to the greatest metallurgical group in Luxembourg, Burbach, Eich, Dudelange, three German commissioners who

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assured a total seisure for the society. Other great societies who did not escape are found under Document No. 10.

The spoliation of Luxembourg interests and foreign interests in the insurance domain was complete. With the exception of three Swiss companies and a German company, all activity was forbidden the Luxembourg companies, whose assets were transferred to German insurance companies, in official fashion for the nati onal companies and in secret fashion for the foreign companies.

The insurance companies of Luxembourg were despoiled as far as their fire insurance balance was concerned by the introduction of forced insurance for fire hazards, for which the monopoly was given to German companies.

Introducing in Luxembourg their racial policy, the National Socialists seized and confiscated all the properties of Jews in the Grand Duchy for the profit of the Verwaltung Fuer Judenvermoegen. Elsewhere, in relation to a certain society, 1500 families were deported. The Germans took possession of their wealth. A German fiduciary company, enfolded in the German office for Colonization and germanization was entrusted with their administration. In fact, they set about their liquidation. Important values were thus transferred to the Reich. Germans were, as has been pointed out elsewhere, installed in the buildings of industrial enterprises, commercial enterprises and work shops of the deportees. The Grand Duchy of Luxembourg was the victim of an economic pillaging as systematically organized as that in Belgium.

THE PRESIDENT: Mr. Delpech, the Tribunal is greatful to you for the way in which you have performed the task which they asked you to perform last night, a task which is not altogether easy, of shortening the address which you had intended to make. As far as they are able to judge, no essential parts of your address have been omitted.

It is of great importance that the trial should be conducted, as the Charter indicates, in an expeditious way, and it was for this reason that the Tribunal asked you, if you could, to shorten your address.

M. DELPECH: Thank you.

THE PRESIDENT: Yes, M. Gerthofer.

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M. GERTHOFER: Mr. President, Your Honors, I approach the sixth part of this statement, which is devoted to the economic looting of France.

When the Germans invaded France, they found there considerable wealth. They went about seizing it very ingeniously and also very ingeniously enslaved the national productivity. When they failed by means of requisitions to attain their ends, they employed hidden methods, using simultaneously craft and violence, striving to mask their criminal actions under the appearance of legality.

To accomplish this, they took advantage of our armistice. These, in fact, did not contain any economic clause and did not include any secret provisions. They were composed only of regulations which were published. Nevertheless, the Germans utilized two clauses to favor their enterprises.

I submit to the Tribunal under Number 203 a copy of the Armistice Conventions, and I cite article 18, which is thus expressed:

"The expenses of the maintenance of German occupation troops in the French territory will be charged to the French Government."

This clause is not contrary to the regulations of the Hague Conventions, but Germany imposed payment of enormous sums, surpassing by great measure those which were necessary for the needs of the army charged with the occupation of the territory, which permitted them to dispose, without having furnished any compensating consideration, of almost all of the money, which in fact they transformed cleverly into an instrument of pillage.

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Article 17 of the Armistice Conventions was thus expressed:

"The French Government agrees to prevent any transfer of valuables or stocks of an economical nature or of material stocks of the territory occupied by the German troops into the non-occupied territory or into a foreign country. Those valuables and stocks which are found in the occupied territory cannot be disposed of except in agreement with the Reich Government, it being understood that the German Government will take account of what is necessary for the life of the population of the non-occupied territories."

Apparently the purpose of this clause was to prevent the sending to England or any of the colonies of things of any kind which might be utilized against Germany, but the occupying power wanted to derive profit from them, to give unto herself the command of production and the distribution of raw materials in all France; since the non-occupied zone could not live without the products of the occupied zone, and in reciprocal fashion the occupation zone needed the products of the zone which was called Free.

The intention of the Germans is proved notably by an exhibit discovered by the American Army, Number 1741-PS, which I submit to the Tribunal as Number 204. I do not wish to inflict upon the Tribunal a reading of the document, which is long. I shallgive only a short summary. It is a secret report, dated 5 July 1940.

THE PRESIDENT: This is not a document of which we can take judicial notice, is it? I think you must read anything that you wish to put in evidence.

M. GERTHOFER: I shall content myself with citing to the Tribunal one passage of the document.

THE PRESIDENT: Very well.

M. GERTHOFER: Article 17 grants to Germany the right to keep the values and economic reserve in occupied territory, and any arrangements of the French Government are subject to the approval of Germany.

Thus, as France has expressed a desire, Germany has agreed to take account also of the vital needs of the population of the non-occupied

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territory. Each time that it shall issue a statute regarding the requests formulated by the French Government with the purpose of disposing of values and reserves which are found in the occupied territory.

I shall only cite this pasage to shorten my explanatory remarks, and I now come to the following document, which is the reply of the German officials who drew up this document, a document which I submit under Number 205, and which is a document found by the American Army. It is areply to the document from which I just cited one passage.

"The conception of the Fuehrer from this point of view is that all negotiations with France are envisaged, not from the political point of view, but from the economic point of view. The doing away with the line of demarcation is envisaged again. It is quite indifferent to us whether the economic life in France and its resumption should be broken or not. The French lost the war, and from this fact must pay damages.

"If one objects that the result would be to transform France into a focus of troubles, we must reply that we shall be doing our duty purely and simply, or that we shall annex these zones which have not been occupied up to now. All concession that we make to the French, the French must pay dearly for by means of deliveries coming from the non-occupied territory or from the colonies. We must stress the fact that any collaboration in the economic domain in France must not be rejected."

Now, Gentlemen, I would like to introduce another document, a document of the United States which I submit as document 206, signed by Dr.Gramsch, which gives the following information:

"Within the scope of negotiations for relaxing the line of demarcation, it has been proposed to the French Government to seize in France all gold and foreign securities." Further, within this written document, "Foreign securities in occupied France would represent a strengthening of our war potential. This measure could moreover be used in exerting pressure upon the French Government to force them to adopt a conciliatory attitude in other domains."

This concludes the quotation.

A scrutiny of these documents shows the fixed intention of the Germans

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in scorning all juridical principles to put all the wealth and economic activity of France at their disposal. Through force the Germans succeeded after one year of occupation in putting almost all or a great part of the French economy under their domination.

This is the notable result of an article, published by Dr. Michel, director of the Economic Office, attached to the military government in France. It is an article of the "Berliner Boersen Zeitung", of April 10, 1942, which I submit under the number 207, from which I shall read one passage:

"For the competent service of the German military authority, it should be considered a result that their task consist of directing a directed economy. Otherwise it is expected to give instructions and to see to it that this be carried out."

Further, on page 12 of the --

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THE PRESIDENT: On which page of your dossier are you reading?

M. GERTHOFER: Page 12 of the statement.

"Now that the distribution and utilization of merchandise has been directed and organized in France, it is also important in this country to reduce the consummation unnecessary for the war economy. The restrictions imposed upon the French population have been more rigorous than in the Reich for a long time as far as food supply, clothing, shoes, and heating is concerned."

I terminate here my quotation of the article of Dr. Michel.

After having shown you, Mr. President and gentlemen, in this introduction the economic looting of France, I should give you a few explanations of the methods utilized to arrive at such a result. This will be the purpose of the four following chapters:

One, German seizure of means of payment. Two, secret purchases or the black market. Three, acquisitions of legal appearance. And, finally, levies of services.

First, German seizure of purchasing power or means of payment. This seizure was the result, first, of the paying of occupation indemnities; second, the clearing organization, which only went in one direction; and, third, pure and simple seizure and the levies of gold, bank notes, foreign currency, or the imposition of collective fines.

Page 15, indemnity for the maintenance of occupation troops. I shall not go back to the juridical principles of the matter. I shall merely content myself with giving you a few explanatory remarks, in order that you may appreciate the pressure which was exerted over the leaders at that time to obtain the payment of considerable sums.

I have the honor of pointing out that in the Armistice Conventions the principle of the maintenance of occupation troops is formulated in a simple way, without the sum and the method of collection being precisely stated. The Germans were going to profit from the situation to deform and amplify this obligation of France, which will no longer be only a pretext for the imposition of an exorbitant tribute.

In the first meetings of the Armistice Commission the discussion dwelt on

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this point, while the French brought out the fact that they should not be forced to pay an indemnity representing a cost of an army strictly necessary for the occupation of the territory.

The German General Mieth sought to recognize the legal foundation of this thesis, declaring that troops which were to fight against England would not be imputed to the expense of France. This fact is found in an extract of the Armistice Commission, which I submit under the number 208.

But subsequently General Mieth probably was disowned by his superiors since in the course of a subsequent meeting, July 16, 1940, without expressly going back on his word, he declared in this respect that he could not finish any reply; that this question would no longer be discussed; and that, in short, everything necessary would be done to facilitate for the French Government the establishment of its budget.

The transcript of the Armistice Convention I submit under the number 209.

On the 8th of August, Hemmen, leader of the German delegation, in Wiesbaden, submitted a memorandum to General Huntzinger, president of the French delegation, in which he stated that considering the impossibility of evaluating the sum of occupation expenses in exact fashion, the French government would have to pay until subsequent directive accounts of at least 20 million Reichsmarks a day, on the basis of the rate of 1 Mark for 20 French francs, that is to say, 400 million French francs a day, accounts in which the expenses of the billeting of the troops was not provided for, which might be reimbursed. This is found in Document 210, which I submit to the Tribunal and which bears the signature of Hemmen.

These exorbitant requirements brought about a reply in which it was emphasized that the amount of the daily payment did not permit one to believe that it had been fixed in consideration of normal strength of an occupation army and the normal cost of the maintenance of this army; that, moreover, the forces corresponding to the notified figure would be beyond this proportion, out of proportion to any military precedent and the necessity for the moment might reasonably lead one to foresee.

On August 15, 1940, a German delegation took as a fact that the French Government was ready to pay these accounts, but refused in a categorical

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fashion to discuss either the sum of the account or the distinction between occupation troops and operation troops. This is found in Document 212, which I submit to the Tribunal.

On August 19, the French delegation took notice of the memorandum of the 15th of August and put it out, and I will cite the passage:

"That to make France pay the expenses of the maintenance of operation troops is a requirement which is incontestably beyond the spirit and the provisions of the Armistice Convention.

"That the expenses that were requested are converted into francs at a rate which notably surpasses the respective purchasing power of the Mark and of the franc; when the purchases of the German army in France are a function of the control of life in this country and they will be, moreover, as the German Government admits, replaced in part by deliveries in kind."

The memorandum is terminated as follows:

"Under these conditions the overwhelming contribution requested from the French government appears arbitrary. It surpasses in a considerable proportion that which it might legitimately expect and hope to be able to request.

"The French Government, always eager to execute faithfully the clauses of the Armistice Convention, can then only appeal to the Reich Government in the hope that it will take account of the arguments which have been expressed above."

THE PRESIDENT: The court will adjourn now.

(Whereupon at 1245 hours the hearing of the Tribunal adjourned, to reconvene at 1400 hours.)

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Official transcript of the International Military Tribunal in the matter of The United States of America, the French Republic, The United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering, et al, Defendants, sitting at Nurnberg, Germany, on 22 January 1946, 1400-1700, Lord Justice Lawrence, presiding.

M. GERTHOFER: This morning I had the honor of presenting to the Tribunal the fact that the Germans demanded of France an indemnity of 400 million francs a day for the maintenance of their army of occupation. I had indicated that the French leaders of the time, without failing to recognize the principle of their obligation, protested against the sum demanded.

At the moment of their arrival in France the Germans had issued in France, as in the other occupied countries, for that matter, bills of the Reichskreditkasse and requisition vouchers over which the issuing institute had no control which had currency only in France. This issuance represented a danger, for the cir culation of this currency was capable of being increased at the mere will of the occupant. At the same time, by a decree of 17 May 1940, published in No. 7-Bis, which will appear under No. 214, the occupying power fixed the rate of the Reichsmark at 20 French francs per mark, whereas the real parity was approximately one mark for 10 French francs.

The French delegation, having become concerned over the increasing scope of the circulation of the Reichskreditkasse notes and of the scope of German purchases, as well as over the rate of exchange of the mark, took the matter up with the German delegation. The German delegation advised the French delegation, on 14 August 1940, that it refused to withdraw these notes from circulation in France. This is to be found in a letter of 14 August, which I submit under No. 215.

The occupying power having thus unjustifiably created by force a means of pressure upon the French Government of the time to lead it to yield to its exactions from the point of view of the sums of the occupation indemnity, as well as from that of the pegged rate of the mark and the clearing agreements, which will be the subject of a later chapter, General Huntziger, president of the French delegation, addressed several dramatic appeals to the German delegation in which he asked that France be not hurled over

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the precipice, as witness a teletype report addressed by Hemmen on 18 August 1940 to his Minister of Foreign Affairs, a report discovered by the Army of the United States, bearing No. 1741-PS 5, which I submit to the Tribunal under the number 207. Here is the chief passage of this teletype report:

"These considerable payments would enable Germany to purchase the whole of France, including its foreign interests and investments, which would mean the ruin of France."

In a letter and note of 20 August the German delegation puts the French delegation in a position to make partial payments, specifying that no distinction would be made as concerns the German troops in France -- that the strengthening of the German occupation would have to be determined by the necessities of the conduct of the war. In addition, the fixing of the rate of the mark would be inoperative as concerns the launching of the payments, since these would constitute only payments on account (note of the 20th of August of the German Government under No. 217).

The next day, 21 August, 1940, General Huntziger, in the course of an interview with Hemmen, attempted vainly for the last time to obtain a reduction in the German demands. According to the minutes of this interview, Germany was already considering a narrow economic collaboration between herself and France through the creation of a Kommissar of Control of Exchange and of foreign trade, while at the same time Hemmen pledged elimination of the line of demarcation between the two zones.

But Hemmen refused to discuss the question of the amount of the occupation indemnity. In a note of 26 August 1940 the French Government indicated that it considered itself obliged to yield to constraint and protested against the German demands. This note ended with the following passage:

"The French nation fears neither work nor suffering, but it must be allowed to live. This is why the French Government would be unable in the future to continue along the road to which it is being committed if by experience the extent of the demands of the government of the Reich should should itself to be incompatible with this right to live."

This is submitted under No. 219. The Germans had the unquestionable intention of utilizing the sums demanded as occupation indemnity, not only

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for the maintenance, the equipment, and the armament of their occupation troops, but also to other ends, which are brought out in particular in a teletype from the Supreme Command of the Army, dated 2 October 1940, discovered by the United States Army, and which I file under No. 220. There is a passage from this teletype message which I shall read to the Tribunal:

"To the extent to which the amounts paid and marked in francs are not utilized by the troops in France, the Supreme Command of the army reserves for itself the right to dispose later of the currency. In particular, the placing of currency with other services not belonging to the army requires the authorization of the Supreme Command of the army, in order that it may assure itself in an absolute manner, first, that the total needs of the army shall be covered, in French currency, and that thereafter the remainder shall remain at the disposal of the supreme command of the army for important ends of the Four-Year Plan.

In another teletype message, which was seized in the same manner and which I submit under No. 221, I read the following:

"It is very clear that there is no agreement in view with the French as to what must be understood by costs of maintenance of occupation troops in France. If within the limits of the discussion we are in agreement on the fact that at the present moment we must, for practical reasons, leave out all discussion, without any limitation, with the French, on the other hand, there must remain no doubt as to the fact that we have the right to interpret the term 'maintain' in the broadest possible sense."

Further on in the same teletype there is the following:

"In any case, the conclusion is that the concessions demanded by the French on the question of specifying the amount of occupation costs and of the utilization of the francs thus delivered must be rejected."

And then the following paragraph:

"The utilization of sums paid in francs as concerns the utilization of the francs paid, and the fact that their use does not correspond to the costs really involved in the maintenance of occupation troops in France, is a question that must not be discussed with the French officers."

The French then attempted, in vain, to obtain a reduction in the occupation indemnity and also a modification in the rate of the mark, but the

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Germans refused all discussion. At the beginning of the year 1941 negotiations were resumed, page 42. Before the intransigence of the Germans, the French suspended payments in the month of May, 1941. Then, on the insistence of the occupants, they resumed it, but paid only 300 million francs a day. This is found in document filed No. 222.

On the 15 September, 1942, after the invasion of the whole French territory, Germany demanded that the daily figure of 300 million francs be raised to 500 million a day. The sums paid for the occupation troops amount to a total of 631 billion, 866 million francs, or on the imposed rate, 31 billion, 593 million, 300 thousand marks. This amount can be gathered, not only from the information given by the French administrations but also can be verified by German documents, in particular by the report of Hemen.

Hemen, director of the Ministry of Foreign Affairs in Berlin, had been designated as President of the German economic delegation of the Armistice Commission, and he was acting, in fact, under the direct orders of his Minister, von Ribbentrop, as a veritable dictator as concerns economic questions.

His chief assistant in Paris, was Doctor Michel, of whom we have already spoken. While maintaining his functions as chief of the economic delegation of the Armistice Commission of Weisbaden, the same Hemen was to be nominated by a decision of Hitler, under date of 19 December 1942, as a delegate of the Goverment of the Reich for economic questions, attached to the French Government. This is verified in document filed under No. 223.

Hemen periodically sent secret economic reports to his minister. These documents were discovered by the Army of the United States and they are of a fundamental importance in this part of the trial, since, as you will see, they contain Germany's admission of economic pillaging. These voluminous reports are submitted under Nos. 224, 225, 226, 227, 228, and 229 of the French documentation. It is not possible for me, given their imppr-tance, to read them in their entirety to the Tribunal. I shall content myself with giving a few brief extracts therefrom in the course of my presentation. To show their importance, here is the translation of the last volume of the Hemen reports.

In this last report, printed in Salzburg on 15 December 1944, on page

26, Hemen recognizes that France has paid a total by way of indemnity for the maintenance of occupation troops of 31 billion, 593 million, 300 thousand marks.

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THE PRESIDENT: These documents are in German, are they not?

M. GERTHOFER: I have only been able to have the last report translated into French, because of their length it has not been possible for me to have the translation made, but it is in the last volume, which is translated into French. It is out of this volume that I will make certain very brief quotations by way of proof.

THE PRESIDENT: Then are you confining yourself to the last document, and to certain passages in the last document.

M. GERTHOFER: I'll limit myself solely as to these in my quotations.

THE PRESIDENT: As these are not documents which we can take judicial notice of, only the parts which you read will be regarded as part of the record, and be treated as in evidence.

M. GERTHOFER: Yes. This enormous sum imposed was much greater than what Germany was entitled to demand inspite of the most extraordinary expenses which the Germans may have made in France during the first two years. They were not able to use a sum greater than half of that for which they have asked credit. This is brought out in the Hemmen report, where on page 27, under heading of Indemnity -- occupational indemnity, and the German expenses in billion marks corresponding to these expenses. I submit this to the Tribunal, which constitutes a proof which I had used.

1940, French payment in billions, four-thousand. German expenses in billions marks, one-thousand five-hundred sixty-nine.

1941, French payments in billions marks, six-thousand and seventy-five. German expenses five-thousand two hundred and five.

1942, French payments in billions of marks, five-thousand four-hundred and seventy-five. German expenses in billions of marks, eight-thousand two-hundred and seventy-one.

1943, French payments in billions of marks, nine-thousand six-hundred ninety-eight point three. German outlays in billions of marks, nine-thousand five-hundred and twenty-four.

1944, French payments in billions of marks, six-thousand three-hundred forty-five. German outlays, six-thousand seven-hundred forty-eight.

1940 to 1944, the total of which was thirty-one billion, five-hundred ninety-three million three-hundred thousand, and, German expenses thirty-one billions three-hundred seventeen million marks.

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The figures contained in this table unquestionably constitute the German admission of the exhorbitance of the indemnity for the maintenance of occupational troops, since Germany was able to utilize the credit put at its disposal, and was unable to utilize this credit, especially as most of these served to finance expenses relative to armament, operational troops, and feeding of Germany, which is shown by document EC 232, which I submit under No. 230 of the French Documentation.

According to the calculation of the Economic Analysis Institute, the maximum sum of the indemnity which might have been exacted amounted to seventy-four billion five-hundred thirty-one million eight-hundred thousand francs; taking as a basis the medium daily price of upkeep per troop unit in the course of the entire Allied occupation of the Rhineland in 1919, mainly the sum of seventeen francs increased to twenty-one francs, taking into account the billeting, which was at that time furnished by the German Government, and according to the report of the average indices of living cost of 3.14, the sum of 21 francs should correspond to 66 francs, taking it at the 1939 value of standard; and, applying the co-efficient of depreciation of the franc during the occupation, that is 2.10 per cent, or a daily average price at 139 francs per day, granting that the real expense of the occupational army, probably speaking, were half of those expenses according to Hemmen's accounts, that is to say, twenty-seven billion thirty-two million two-hundred seventy-nine thousand one-hundred twenty marks. This sum is still lower with seventy-four billion five-hundred million proposed by the Economic Analysis Institute; from this accepting the most favorable solution of the accused which would be estimated, the indemnity imposed without justification amounted to six-hundred thirty-one billions eight-hundred sixty-six millions, less seventy-four billions five-hundred fifty-one millions eight-hundred thousand, or, five-hundred fifty-seven billions three-hundred thirty-four millions four-hundred and twenty thousand francs.

In his final report, page 10, at page 22 of the French translation, Hemmen writes, "during the four years which have passed since conclusion of the Armistice, there has been paid in occupational cost and parity costs, thirty-four billions Reichmarks, or six-hundred eighty million francs. That France at best contributed forty per cent approximately of the total cost of occupationa, and war contributions raised in all the occupied and Allied

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countries. Per Head this represents a charge per cost of eight-hundred thirty Reichmarks, or sixteen-thousand six-hundred Francs.

In the second part of this chapter we shall examine briefly the question of Clearing. The Tribunal acquainted with the next chapter, the function of Clearing device, we shall not revert to this. I shall indicate under what condition the French Government at the time was ready to fight agreements which were imposed upon it.

Parallel to the discussion relative to the indemnity for the maintenance of occupational troops, discussions were entered into relative to the Clearing Agreement.

In 1940, on the 24 July 1940,the German Delegation announced that it would shortly submit a project. On 8 August 1940, Hemmen submitted to the French Delegation a regulation project of the francs -- a German regulation project of payment by compensation. This project, which I submit under No.231 of the French documentation, shows drastic rules, which could not indeed be freely accepted.

It provided first of all financial transfer from France to Germany without any equivalent in financial transfer from Germany to France. In the second place, it fixed the rate of conversation of twenty francs for one Reich Mark by a unilateral, and clearly an arbitrary decision, whereas the rate on the Berlin Exchange was approximately 17.65, reparity of 2.35 limit taken, and for their respective purchasing power the two marks was approximately ten francs for one mark.

I shall pass on: The French Delegation of the Armistice Commission submitted unsuccessfully on 20 August 1940, a counter project, and attempted to obtain a modification of the most unfavorable clauses. I submit this project under No. 232 of the French documentation.

On 20 August 1940, at the Armistice Commission of French Delegation brought up in detail the question of the franc-reichmark parity, and it called attention to the fact of the prohibition of the financial transfer from Germany to France creating a profound inequality, whereas the transfer in the other direction were organized, and which for the French Government meant giving its agreement to real expropriation of French credit. Extract from this report is presented and submitted under No. 232.

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In a letter of 31 August, General Huntziger took up again in vain the argument as to the rank of the Franc-Reichmark parity. I submit this letter under No. 234.

On 6 September 1940, the French Delegation made a new attempt to obtain a modification of the most unfavorable clauses of the projected Clearing Agreement, but it encountered an absolute refusal. The German Delegation meant to impose under the appearance of a bilateral agreement a project established by it alone. I quote a passage from the report, from the statement of Monsieur Schone. I can not -- I am not -- "I am unwilling to reopen discussion of this question. I can make no concession. I examined the Franc-Reichmark parity on 4 October 1940." Hemmen notified the French Delegation that the Reich at twenty francs used to be considered as the definity, and according to his own works this is no longer to be discussed. He added that when on the French side there was a refusal to conclude the payment, agreed that it should be a drastic contract imposed by Germany, it would advise the Fuehrer of this, and that all facilities for the line of demarcation would be suppressed. I submit this under No. 236. I submit the passage of this report.

Finally, in the course of the negotiations which followed on 10 October 1940, the French Delegation attempted once more to obtain a modification of the drastic condition which was imposed upon it, but the terms remained invariable.

THE PRESIDENT: Do these negotiations lead up to a conclusion, because if they do would it not be sufficient for your purposes to give us the conclusion without giving all the negotiations which lead up to it?

M. GERTHOFER: I am just finishing the statement with the last quotation, in which the Tribunal may see what was the pressure -- what was the threats made upon the French, who were then in contact with the Germans. I shall conclude the discussion of the Clearing with this quotation, if the Tribunal will allow it. My last quotation concerning this point, in the last meeting 10 October 1940, in the course of which Hemmen declared the following: I submit this under No. 237: "But you are attempting to make the rate of the Mark irregular. I beg you to warn your government we shall break off negotiations. I have in fact foreseen that you would be unable to prevent the prices from rising, but now you are systematically causing them t

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rise in export. We shall find other means of achieving our aim. We shall go and take the Bauxite." This is the end of the quotation.

If the Tribunal wil l allow me a very brief commentary. At the Armistice Commission an attempt on the questions was made to negotiate, and at the time the French Delegate resisted, for Germany wanted immediately to take, or to seized the Bauxite resources, which were in the unoccupied zone. This last sentence is a threat. "If you do not accept our agreement -- our Clearing Agreement, we shall go and help ourselves to the Bauxite." That is to say, "We shall occupy militarily the free zone." The socalled compensation agreement functioned as a socalled protective of Germany. The result of the agreement is the following: At the moment of liberation the total of the operation made from France to Germany amounts to two-hundred twenty-one billions one-hundred fourteen million francs, while the total of the operation made in the other direction, from Germany to France, amounts to five-hundred millions francs. The difference, that is, one-hundred seventy bi llions six-hundred forty millions francs, credit amount on the French account, representing the means of payment which Germany without justification obtained through the functioning of the Clearing Account, which it had imposed.

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I come now to the third part of this first chapter, which will be very brief. These are the seizure of the current specie under collective fines. Aside the fact from the operations that were carried on, the Germans proceeded to make seizure on imposed collective fines in violation of the principles of International Law.

First, a contribution of one billion francs was imposed upon the French Israelites, 17 December 1941. There is no pretexts. This is testified to by document submitted uner No. 239.

Secondly, the certain number of collective fines were imposed. The sum actually verified by service of the Finance Ministry amounted to four-hundred twelve millions six-hundred thirty-six thousand five-hundred fifty francs.

Thirdly: Germans proceeded to make immediate seizure of gold stock. Hemmen recognized in his last secret report, on pages 33 and 34, 72 of the French translation, that on the 24 September 1940, the Germans seized 257 kilogram gold in from the Bayonne, which represented that the 1939 rate of twelve million three-hundred thirty-six thousand francs.

Finally, in July 1940, it seized a certain number of silver bars amounting to thirty-five millions. Still following the secret report of Hemmen for the period between, or beginning from 1st January to the 30th of June 1942, Germany had seized in currency two-hundred twenty-one thousand seven-hundred thirty kilograms gold belonging to the Belgium National Bank, which represents at the 1939 rate the sum of nine billions five-hundred million francs. It is not possible for me to present in detail the conditions under which these Belgium gold was delivered to the Germans. This question by itself would cause me to go into explanation which would bely several questions. The fact, however, is recognized by Hemmen in his undeniable report. I shall simply indicate that from the month of September 1940 -- I follow up, the month of September 1940 in violation of the International Law Hemmen had adopted the delivery of this gold. It had been confided after the month of May 1940, by the Belgium National Bank to the Bank of France. These facts are, for a matter of fact, a part of the grief, which relates to ex-minister of the Government of Vichy put before the High Court of Justice in Paris. The result from this procedure we know were frequent discussions that took place by the Armistice

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Commission, and an accord was concluded 29 October 1940, but was not carried out by reason of the difficulty raised by the French and Belgians.

The former Assistant Director of the Bank of France, according to him, the pressure of the German Occupied Force became stronger and stronger. Laval who was then determined to pay at any costs the conversion, goes to Berlin where he was anxious for the wholesale liberation of prisoners, and the reduction of the occupational costs, as well as the elimination of the line of demarcation, yielded to the German demands. Thus, on 11 December there was delivered to the Reichbank, and there was requisitioned an order on the Four-Year Plan. The document relative to this question is submitted under No. 240.

I shall simply add that under the liberation the Provisional Government of French Republic submitted to the National Bank of Belgium, an equal quantity of gold equal to that which the Belgium Bank had confided to the Bank of France in the month of May 1940.

To conclude the gold question, as I shall indicate to the Tribunal, that Germany was unable to obtain the gold resources of France since these had been prior put in safekeeping in time. Still, according to the secret report of Hemmen, page 29, and page 47 of the French translation, at the moment of retreat the Germans seized without any right in the French -- the Bank of France of Nancy, the sum of six billions eight-hundred twenty-seven millions.

I know for the record that in the course of the occupation, the Germans seized great quantities of gold.

I note for the record that in the course of the occupation the Germans seized great quantities of gold which they caused to be brought by private citizens. I cannot set a figure to this. I simply the question for the record.

If we recapitulate the means of payment which Germany unduly raised in France, we shall reach--taking still the solution most favorable to the defendants and taking the maximum representing the cost of maintaining occupation troops--a minimum total of 745,833,312 frans, in round figures 750,000,000 francs. I shall skip the details in my brief. I think that it's unnecessary to go into these in the session.

I now come to the utilization which the Germans made of these considerable

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sums and, first of all, the black market organized by the occupying power. Here again I don't want to take advantage of your good nature. I have had the honor of presenting to you the mechanism of the black market in all the occupied countries. I have indicated how it arose, how the Germans utilized it, how, under the orders of the defendant Goering, it was localized and exploited. I do not wish to revert to this, and I shall pass over the whole part of my written expose which was devoted to the black market in France.

I come to page 69 of my written expose, chapter 3: Acquisitions of regular outward appearance. Under the pressure of the Germans, the Government of Vichy was forced to be willing to reserve for them a percentage of products of all kinds in exchange. The Germans undertook to furnish raw materials, the quantities of which were determined by themselves. But these raw materials, when they were delivered, which was not always the case, were for the most part absorbed by the industry which was forced to furnish them finished products. In fact, there was no compensation since the occupant recouperated in manufactured objects the deliveries of raw materials without in reality giving any equivalent.

In the report of the economic control which has already been quoted, submitted under No. 107, the following example may be noted which I shall read to the Tribunal:

"An agreement permitted the purchase in the free zone of 5,000 trucks destined for the German G.B.K. against the Reich furnishing five tons of steel per vehicle or a total of 25,000 tons of steel destined to the French industry. In view of the habitual destination of products of our metallurgy at this period, this was obviously a fool's exchange. Indeed, if our information is exact, the compensations in steel were not even expected and they were partially employed for the defense of the Mediterranean coast, anti-tank rails, etc."

It is appropriate to call attention to the fact that a considerable part of the levies in kind were the object of no regulation whatever, either because the Germans remained debtors in these transactions or that they considered without justification that these levies constituted war booty. In this regard the documents are l cking. However, the Army of the United States had discovered a secret report of one Kraney representing the R.O.G.E.S., an organ-

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ization which was both charged with the bringing together of acquisitions in the black market and of war booty. It appears from this report that in September, 1944, the R.O.G.E.S. had resold to Germany for 10,858,499 marks, or 217,169,980 francs, objects seized in the southern zone as war booty. I submit this document under No. 224.

By means of payment which Germany had apprehended requisitioning, either regulated or not regulated by her, France was literally despoiled. Enormous quantities of things of all kinds were removed by the occupants, according to information given by the French statistical services; provisional estimates of these levies have been made. These estimates do not include damage resulting from military operations but solely the German spoliations computed in cases of doubt at a minimum figure. They will be summarized in the eight following sections.

1. Seizures, levies of agricultural produce.

I submit under No. 245, a report of the Ministry of Agriculture on the statistical table established by the statistical commission, summarizing the official German levies which include neither individual purchases nor black market purchases which were both considerable. It is not possible for me to read to the Tribunal a table as long as this is. I shall limit myself to give a brief resume of this statistical table. Here are some of the chief agricultural produce which have been seized:

Cereals: 8,900,000 tons; in round figures, evaluation in thousands of francs: 22,000,000.

Meats: 900,000 tons; estimate: 29,000,000 francs.

Fish: 51,000 tons; estimate: 1,000,000 francs.

Wines; liquors: 13,000,000 hectolitres; estimate: 18,000,000 francs.

Colonial products: 47,000 tons.

Horses and mules: 690,000 heads.

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Wood: 36,000,000 cubic meters.

Sugar: 11,600 tons

I shall pass over the details. The Germans have regulated by clearing and by indemnity arrangements 133,700,000 francs. This has been subject to no regulation. To be sure of these estimates, these estimates do not include considerable damage caused to the reduction of forests in the area under cultivation. There is no mention, either, in the reduction in live-stock and damage caused by extensive cultivation. This is a brief summary of the percentage of official levies of agricultural produce in relation to the total of French production:

Wheat:	13%
Oats:	75%
Hay:	80%
Meat:	21%
Eggs:	60%
Butter:	20%
Preserved fish:	30%
Champagne:	56%
Wood for industrial uses:	50%
Forest fuels:	50%
Alcohol:	25%

These percentages, I repeat, do not include quantities of produce which the Germans obtained either by individual purchases or on the black market.

I have had the privilege of presenting to you the fact that these operations had a considerable scope and amounted for France to several hundred billions of francs. The quantities of agricultural produce thus taken from French consumers are incalculable. I shall simply indicate that aside from certain privileged persons. Wines, champagne, alcoholic beverages of all kinds, meat, butter and eggs were the object of a very considerable secret traffic to the benefit of the Germans and that the French population was almost entirely deprived of these products.

In section 2 of this chapted I shall discuss the important question of levies of raw materials.

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THE PRESIDENT: That would be a good time for us to adjourn for ten minutes.

(A recess was taken from 1526 to 1530 hours)

M. GERTHOFER: I will summarize briefly the content from the statistical procedure in the chart of which I shall not inflict the reading upon the Tribunal. I will lodge it under No. 246 and point out that the total sum of these supplies reaches the sum of 38,000,000,000; on page 77 I will make a summary of this chart and I consider it is not possible to read the summary because the figures are underneath. According to the information provided by the French authorities, the Germans paid that sum for occupation purposes through clearing a sum of 59,254,639,000 Francs. The difference then charged to the French Treasury was 19,506,109,000 Francs. The percentage of the German levies in their relation to the whole French production can be summarized in a chart which I have reproduced and I shall ask the Tribunal for permission to read it. Page 82.

"The percentage of levies of raw materials relating to French production,

Coal	29%
Electric power	22%
Crude oil and motor fuel	80%
Iron ore	74%
Steel products in the rough and half finished.	51%
Copper	75%
Lead	43%
Zinc	38%
Tin	67%
Nickel	64%
Mercury	50%
Platinum	76%
Bauxite	40%
Aluminum	75%
Magnesium	100%

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Sulphur Carbonate	80%
Industrial soap	67%
Vegetable oil	40%
Carbazol	100%
Rubber	38%
Paper and cardboard	16%
Wool	59%
Cotton	33%
Flax	65%
Leather	67%
Cement	55%
Lime	20%
Acetone	51%

This enumeration permits us to consider about three quarters of the raw materials seized officially by the occupying power; that these statistics must be qualified in two ways: A great part of the quota of raw materials which were directly left to the French economy, was in fact reserved for industries which had a priority on them; that is to say, those industries for which the production was reserved for the occupying power.

Secondly, these levies and percentage, according to the purpose of the charter, include only the figures of official deliveries. Now, we have seen that the Germans acquired considerable quantities of raw materials from the black market, especially precious metals, gold, platinum, silver, radium, or real metal, mercury, nickel, tin, copper, and so forth; in fact, we can say in theory that the raw materials which were to be utilized for the needs of the population were insignificant.

Now, I reach Section 3. Levies and Manufactured Objects and the Mining Industry. As I had the honor to point out to you in my general remarks, using divers means of pressure, the Germans succeeded in utilizing directly or indirectly the greatest part of the French industrial production. I shall not go over these facts again and I shall now pass a summary of the products which were delivered. I lodge under the No. 248 a chart which includes a statistical

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information or data by categorical industries, these levies of manufactured objects during the course of the occupation, by the occupying power.

I don't want to take advantage of the kindness of the Tribunal by reading this. I shall simply point out the summary of this chart, which is as follows: Orders for finished products on the 25th of June, 1940.

Mechanical and electrical industries, 59,455,000

Chemical industry, 11,744,000,000

Textiles and leathers, 15,802,000,000

Building and construction material, 56,256,000,000

Mines, coal, aluminum, and phosphates, 4,160,000,000

Steel products, 4,474,000,000

Motor fuel, 568,000,000

Naval construction, 6.104,000,000

Aeronautical construction, 23,620,000,000

Divers industries, 2,457,000,000

a total, then, of 184,640,000,000. These statistics should be commented upon as follows: The information which we have and have pointed out, does not include the production of the very industrialized Departments of the North and Pas de Calais, allowed to the German administration in Brussles, and it does not include either the manufactured products of the Naut-Rhin Department or the Bas-Rhine and Moselle, included, in fact, in the Reich. Out of the total sum of 184,640,000,000 Francs of supplies, the information which we have up to date does not permit us to fix the sum paid to the Germans either as an occupation indemnity or through clearing, or the balance not having been paid in any way whatsoever. If you evaluate the industrial production levied by Germany, the Departments of the North and Pas de Calais, you will obtain a figure for those two Departments of 18,500,000,000 which will bring the general total up to more than 203,140,000,000. The proportion of the German levies on manufactured products is summarized in the following chart which I submit t the Tribunal, which I have summarized on page 87. I should permit myself to read to this Tribunal and to show the proportion of the manufactured objects removed from French consumption.

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Automobile construction, 70%

Electrical and construction, 45%

Industrial precision parts, 100%

Heavy steel, 100%

Foundries, 46%

Chemical industries, 34%

Rubber industry, 60%

Paint and varnish, 60%

Perfume, 33%

Wool industry, 28%

Cotton weaving, 15%

Flax and cotton weaving, 12%

Industrial leather, 20%

Buildings and public works, 75%

Construction wood and wood for furniture, 50%

Lime and cement, 68%

Naval construction, 79%

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Aeronautic construction, 90%

The scrutiny of this chart leads to the following remarks: The proportion of entirely finished products is very large; for instance:

Automobiles, 70%

Precision instruments, 100%

Heavy steel, 100%

whereas, the products which were not finished is not as great.

Foundary, 46%

Chemical industry, 34%

This state of affairs results from the fact that the Germans directed the products which were not being manufactured in theory for the French population, towards finishing industries which had priority; that is to say, whose production was reserved for them exclusively. Through their purchases on the black market, the Germans procured an enormous quantity of textiles, machine tools, leather, perfume, and so forth; textiles, particularly, which the population lacked completely during the occupation; and that is also true for leather.

Now, I reach Section 4, the removal of industrial tools. I shall not take advantage of your kindness. I know this question has already been treated as far as the occupied countries is concerned, but I simply like to say that as a result of the statistical evaluation which I submit to you under the No.-251, these statistical evaluations show that the value of the material which was removed in the divers French factories of the private districts or of the Republic of France, exceeds the sum of 9,000,000,000. For many machines which were removed, the Germans were principally satisfied to point out that they did not put out the value of the machines which were removed.

I now read Section 5. Securities and Foreign Investments, Page 96, is the Exhibit 137, which I have lodged under No. 105, and I would like to point out that the Defendant Goering, for his own information the German economic purposes, felt that the extension of the German influence over foreign industrial enterprises was one of the purposes of the German economic policy. This directive was to be expressed much more precisely in the document of the

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12th of August, 1940, which I depose as No. 252, from which I shall read short extracts.

"It is given that the principal economic enterprises under the form of companies have been responsible to put in securities which are in France. The execution or the seizure also was done through ordinances. Every means which was used to succeed and notably foreign issue of all concerned.

"According to Article 46 of the Hague Convention, concerning the terrestrial warfare, private property cannot be confiscated. The confiscation of securities is to be avoided in the measure - securities are not concerns belong to the State. According to Article 42, and following of the Hague Convention concerning terrestrial warfare, the authority exercising power in the occupied enemy territory, must restrict himself from utilizing measures which are necessary to re-establish or maintain order and public life; to conform to International Law; it is forbidden to deviate from these social organs or social organizations which are there and to replace them through Kommissars." Such a measure was probably not considered in the international point of viewand from the law of nations as efficacious. Consequently, we must strive to force the various social organizations to work for the German economy but not to render destitute, not to strip the persons who comprise them, of these articles.

Further on: "If these organizations will not permit themselves to be directed, we must do away with them and replace them by forces which we can utilize."

Now, we will take up property, the three categories of seizure of financial investments, which is the purpose of the German spoiliation during the occupation.

First, the seizure of financial investments in companies which were exploited in a foreign country. On the 14th of August, 1940, an ordinance V.O.B.I.F, page 67, was published forbidding any negotiation of credit for foreign securities. A simple freezing of securities did not suffice for the occupying power. They required for the form to come to the proprietor of this security in order to be able to eventually negotiate in neutral

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countries. There were some agents who purchased foreign securities from private citizens who needed money, but above all, they put pressure on the Vichy Government in order to obtain the handing over the principal French investments in foreign countries, investments notably, that after long discussions in the cause of which the German pressure was very great, important concessions of investments were handed over to the Germans. It is not possible for me to submit to the Tribunal the numerous documents which they should be in, the handing over these investments, transcripts, correspondence. It would be, without exaggeration, several cubic metres.

It will suffice me to cite a few passages concerning the Bor Mines, the copper mines which were found in Yugoslavia, the greatest part of the country which was in French hands. The Germans installed on 26 of July 1940, a Kommissar who was an administrator of the establishment of this company situated in Yugoslavia. This is found in Document 254 which I submit to the Tribunal. The Counsel General of Germany, Neuhausen, then declared, in the transcript of which I submit to the Tribunal, No. 255, the meeting of the Armistice Commission on the 22nd of November. Here is his statement:

"Germany wishes to acquire the shares of the company without concern for the juridical observations made by the French. Germany obeys in fact the imperious considerations of the economic order. It suspects that the Bor Mines are still delivering copper to England and she has decided absolutely to take possession of these mines." Faced with the refusal of the French delegates, Hemmen declared at the meeting of October 4, 1940, which I submit to the Tribunal, under No. 256, and I will read an extract from this:

Mr. Hemmen speaks:

"I should regret to have to transmit such a reply to my Government. See if the French Government cannot reconsider its attitude. If not, our relations will become very difficult. My Government is anxious to complete this matter. If you refuse, the consequences will be extremely grave."

M. de Boisanger, the French Delegate, replied:

"I am going to ask you once again this question".

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And Hemmen replies:

"I await your reply; I shall expect your reply tomorrow. If it does not come, I shall transmit the negative reply which you have just i

Ther, in the course of the meeting on 9 January 1941, Hemman stated - and I submit again an extract from the minutes, document 257.

Hemmen: "I had, from the beginning, been entrusted with this affair at Wiesbaden. Then it was discussed by the Counsellor, General Neuhausen, on behalf of a very highly placed personage, Marshal Goering, and it was discussed directly in Paris with M. Laval and M. Abetz."

As far as French investments in petroleum companies in Roumania are concerned, the pressure was not less. In the course of the meeting of October 10, 1940 of the Armistice Commission, Hemman stated - and I submit this under document 258, an extract from the minutes of the meeting:

"We shall continue ourselves, moreover, with the majority of the stocks. We will leave in your hands anything which we do not need for this purpose. Can you give us an acceptance on this point? The matter is urgent. As for the Bor Mines, there we wish everything."

On the 22nd of November, 1940, Hemmen stated again - and this extract of the minutes of the Armistice Commission meeting I submit under the number 259:

"We are still at war and we need to have an immediate influence over petroleum production in Roumania. We cannot await a peace treaty".

When the French Delegates asked that this handing over be carried out against a real compensating consideration, Hemmen stated, at the time of that meeting: "Impossible. The sums which you are to receive from us will be taken out of the occupation expenses. This kind of participation will be generalized on the German side when the collaboration policy will have been defined."

We might quote indefinitely quotations of this kind, and many even much more serious from the point of view of the violation of the provisions of the Hague Convention.

All these concessions, apparently agreed to by the French, were only agreed to after German pressure.

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Scrutiny of the contracts agreed upon show serious damage towards those who had handed over their property, and enormous property for those who had acquired those properties, without the latter having furnished any real compensating consideration.

The Germans thus obtained French investments in the Roumanian petroleum companies, in the enterprises of Central Europe, Norway and the Balkans, especially those of the French Company of the Bor Mines. These concessions were paid through francs coming from occupation indemnities, and rose to the sum of 2,090,852,000 francs. The others were paid through stocks, which had been French shares issued in a foreign country, notably in Holland, and through the clearing method.

Having given you a brief summary of the seizure of investments of French affairs in the foreign countries, I should like to rapidly examine the German seizure of the capitals of French industries.

Shortly after the Armistice, in conformity with the directives of the Defendant Goering, a great number of French industries were the object of proposals on the part of German groups anxious to acquire all or part of their assets, or the assets of their companies. This operation was facilitated by the fact that the Germans, as I have had the honor of pointing out to you, had practically the control of the industry, and they had taken over the direction of production, particularly by the system of Beten Firma.

Long discussions took place between the occupying powers and the French Minister of Finance, whose department strove, without success, sometimes, to limit to 30 percent the maximum of German investments. It is not possible for me to enter into details of the seizure of these investments. I shall point out, however, that the Finance Minister handed to us a list of the principal seizures, which are reproduced in a chart appended to the French Document Book under the number 260. The result was that the seizure of investments, particularly paid through clearings, rose to the sum of 307,436,000 francs; out of the occupation expense accounts, through foreign stocks, was a sum which we cannot determine; and finally, divers or unknown ways, 28,718,700 francs.

We shall conclude the two paragraphs of this fifth section by quoting part of the Hemmen report relative to these questions. At page 63 of the

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original and 152 of the German text, here is what Hemmen states, in Strasbourg, in January 1944, concerning this subject:

"The fifth report upon the activity of the delegation is devoted to the difficulty of future seizures of investments in France. Given the strongly accusing attitude of the French Government concerning the concession of domestic and foreign property having value, this opposition has been strengthened during the time of the report to such an extent that the French Government was no longer disposed to give the slightest approval to the transfer of investments against the putting at the disposal of France economic compensating considerations."

Further on, in the second paragraph:

"During the four years of the occupation of France the Armistice Delegation transferred, in all of the French property to German property, shares representing, in toto, 121 million Reichsmarks, of which the investment enterprise is of first importance for the war in the third country, in France and in Germany. Details in this respect are found in the reports of prior activities of the delegation. In about half of these transfers compensating considerations were given on the German side for the delivery of French foreign shares acquired in Holland and in Belgium. For the remainder, the sums were paid through clearing or from out of the occupation expenses. From the fact of giving payment in French shares in foreign countries, the differences, as far as the shares were concerned, between the German purchasing price and the French rates which resulted from this, were these: The Germans achieved gains of a sum of about seven million Reichsmarks, which were delivered to the Reich."

There is reason to emphasize that the profit derived by Germany merely from the financial point of view is not 7 million Reichsmarks, or 140 million francs, according to Hemmen, but much greater. In fact, Germany paid principally for their acquisition through occupation indemnities, through the clearing operation, and French loans issued in Holland or in Belgium; and the expropriation by Germany was the true cause of the spoliation of these countries.

It could not constitute a compensating consideration for France. These

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concessions or investments, carried out under the cloak of legality, moved the United Nations, who, in their statements made at London, January 5 1943, said in theory that such concessions should be declared null and void, even when carried out with the apparent consent of those made the concessions.

I submit, under No.261, the solemn statement signed in London, 5th of January, 1943, and which was published in the French Official Journal the 15th of August, 1944, at the time of the liberation. I submit that all these concessions are of interest to the French Justice for prosecution under the cloak of betrayal, particularly for French who collaborated with the Germans despite indisputable pressure which was exerted upon them.

I shall conclude this chapter with one last remark -- the German seizure of buildings in France. It is difficult to give at this time the exact situation of this subject, for these operations were made most often through the intermediary of an assumed name. An example is that of a certain Skolnikoff, who during the occupation spent nearly 2 billion francs in the purchase of large buildings. This individual, of indeterminate nationality, lived in poverty before the war, was enriched in a splendorous fashion, thanks to his connection with the Gestapo and his operations on the black market in cooperation with the occupying power. But, whatever may be the profits that he derived from his dishonest activities, he could not acquire personally almost 2 billions worth of buildings in France. I submit, under the number 262, a copy of a police report concerning him. It is not possible for me to read this completely to the Tribunal, but this report contains a list of the buildings and real estate companies acquired by this individual. These are without question buildings of a great value. It is evident that Skolnikoff, an agent for the Gestapo, was an assumed name for German personalities whose identity has not been discovered up to the present.

Now I shall take up Section 6 -- the levy of transportation material. A report from the French administration gives us statistics which are reproduced in the very complete chart, which I shall not read to the Tribunal. I shall merely point out to the Tribunal that most of the locomotives and rolling stock in good shape were removed, and the total sum of the levies on transportation material reaches the sum of 188,452,000,000 francs.

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I shall now take up levies in the departments of the Haut-Rhin, the Bas-Rhin, and the Moselle. From the beginning of the invasion the Germans incorporated these departments in the Reich. This question will be presented subsequently by the French prosecutor when he discusses the question of Germanization from the point of view of economic spoliation. We must point out that the Germans sought to drive a maximum from these three departments. If they paid in marks for a certain number of products, they did not pay it anyway for the principal products, especially coal, iron, crude oil, potassium, industrial material, furniture and agricultural machinery. The information relating to this is given by the French administration

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in a chart which I shall summarize briefly, and which I submit as NO. 264. The value of the levies in the three French departments of the east, levies not paid by the Germans, reaches the sum of 27,000,350,000 francs.

To conclude with the departments of the east, I should like to point out to the Tribunal that my colleague will discuss the question of Germanization and will show how the firm Hermann Goering Werke, in which the accused Goering had considerable interest, expropriated equipment in mines of the large French company called the "Petits-Fils De F. De Wendel Et Cie".

I now come to the Eighth section, concerning diverse levies. First, spoliations in Tunisia. The Germans arrived in Tunisia the 10th of November 1942, and were driven out by the Allied Armies in May,1943. During this period they took up divers --

THE PRESIDENT: Do you think that it is necessary to go into details of the seizures in this part of the country, if they are on the same sort of level as they were in other parts of the country.

M. GERTHOFER: Mr. President, these details which I wouldlike to show you, it seems to me that they would not be contested by anyone.

Gentlemen, I now pass over the question of levies of service, and I shal conclude my summary, however, by pointing out to the Tribunal that the French economy lost enormously from the deportation of workers, a subject which was discussed by my colleagues. They have calculated that the losses in labor undergone by the French economy amounted to 12,555,000,000 work hours from the forced deportation of workers, a figure which does not include the number of workers who were more or less forced to work for the Germans in French industry in France.

If you will permit me, gentlemen, I shall conclude this presentation concerning France by giving you a general review of the situation in France. I shall cite once more that Hemmen, the economic dictator, ruined my country upon the orders of the defendants whom you have to judge. In the first five reports submitted, despite apparent technical quality, the author shows the assurance of a man who can permit himself anything. In the last, drawn up the 15th of December, 1944, at Salzburg, Hemmen sought visibly, while

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leaving a technical quality to his work, to plead the case of Germany, that of his Nazi masters and his own, but he succeeded only in doing it without wishing to bring out an implacable accusation against the nefarious work with which he was entrusted. Here are some short extracts, gentlemen, of the final report.

On page 1 of his report, page 2 of the French text, he charges the German leaders, and Goering particularly. He writes as follows:

"According to the directive lines formulated the 5th of July 1940 by the Reichsmarshal in charge of the Four-Year Plan, concerning the situation of the law in force, the Armistice Convention does not give us rights inthe economic domain in the part of France which is not occupied, even through an extensive interpretation."

A little further on, he admits the blackmail concerning the boundary lines in these terms:

"The Petain Government manifested from the beginning a strong desire for the rapid reestablishment of the economy destroyed with German support on the one hand, and on the other hand, to find work for the French working population in order to avoid the unemployment which threatens, but before all the strong desire to see anew the two French zones joined together which were separated by this boundary line, to bring about an economic and administrativ unity."

He declares himself at the same time that he wishes in a large measure to direct it under a French management according to the German economic system, to reorganize it completely according to the German model and even adds that because of important alleviations of the demarcation line, the Armistice Delegation has come to an agreement with the French Government to introduce German law in monetary matters into French legislation. Further on, on page 7 of the translation, he even wrote, "Because of the prices which automatically arose with an unhindered development of the black market, it was felt all the more strongly that salaries were maintained through force.

I now pass over the next passage. However, I should like to point out to the Tribunal that on page 1329 of the translation, Hemmen tries to show through financial evaluations and most questionable rationalizations that the cost of the war for each inhabitant was heavier for the Germans than for the

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French. He himself destroys with one word his whole system of defense which he had built up by writing at the end of his bold calculations that from autumn 1940 to February 1944 the cost of living increased 166 per cent in France while in February it increased only 7 per cent.

Now, gentlemen, it is, I am quite sure, through the increase in the cost of living that you measure the impoverishment of a country.

Last of all, on page 4, and this is our last quotation from the Hemmen Report, he admits the German crime in these terms:

"Through the subtraction, during the course of years, of considerable quantities of property of every kind without economic compensating considerati there was brought about a perceptible decrease in substance which corresponded in turn, to a considerable monetary circulation which has led to phenomena of inflation and especially brought about a devaluation of money and a lowering of the purchasing power. These material losses, we may say, can be repaired. Through work and saving we can reestablish in the future, more or less distant, the economic situation of the country."

That is true, but there is one thing which can never be repaired, the results of privations upon the physical state of the populations. If the other German crimes, such as deportations, murders, massacres, make one shudder with horror, the crime which consisted of starving knowingly whole populations is no less odious. In the occupied countries, in France notably, many persons died solely because of under-nourishment and because of lack of heat. We estimate that people require 3,000 to 3,500 calories a day, and from 4,000 to 5,000 for manual laborers, but from the beginning of the rationing in September 1940, only 1,800 calories per day, per person, were distributed. Successively, the ration decreased to 1,700 calories in 1942, then to 1,500, an d finally fell to 1,200 and 900 calories a day for adults, to 1,300 for manual laborers. Old persons were given only 850 calories a day.

But the true situation was still beneath the ration theoretically allotted through ration cards. In fact, frequently a certain number of coupons were not honored.

The Germans could not fail to know of the disastrous situation as far as

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public health was concerned, since they estimated themselves in the course of the war of 1914-1918 that the distribution of 1,700 calories a day was a starvation regime, slow starvation, leading to death.

What hurt the situation still more was the quality of the rations which were distributed. Milk, when there was any, was skimmed to the point that the percentage of fatty matter amounted to only 3 per cent. The small amount of meat given to the population was of bad quality. Fish had disappeared from the market. If we add to that an almost total lack of combustibles, clothing and shoes -- frequently neither schools nor hospitals were heated -- one may easily understand what the physical point of view of the population was.

Incurable maladies such as tuberculosis developed and will continue to extend their ravages for many years. The increase among children and adolescents seriously affected the future of the race and is a cause for the greatest concern.

The results of economic spoliation will be felt for an indeterminate duration.

THE PRESIDENT: Could you tell me what evidence you have for your figures of calories?

M. GERTHOFER: I am going to show you this at the end of my summary. It is a report of a professor at the Medical School of Paris who is especially delegated by the Dean of the University to make a report on the results of undernourishment. I am going to quote it at the end of my statement. I am almost there.

The results of this economic spoliation will be felt for an indeterminate length of time. The exhaustion is such that despite the generous aid brought by the United Nations, the situation of the occupied countries, taken as a whole, is still alarming. In fact, the complete absence of stocks, the insufficiency of the means of production and of transportation, the reduction of the livestock, the economic disorganization, do not permit allotting sufficient rations at this time. This poverty, which strikes all occupied countries, cannot disappear except gradually over a long period of time, the length of which no one can yet determine. If, in certain rich agricultural regions, the producers were able, during occupation, to have, and still have a privileged situation from the point of view of food supply, the same is not true in the poorer regions as well as in urban centers.

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If we consider that in France the urban population is a bit more numerous than the rural population, we can state clearly that for the great majority of the French population was subject to and still remains subject to a food regime obviously insufficient. Professor Guy Laroche, delegated by the Dean of the Faculty of Medicine of Paris to study the consequences of under-nourishment in France as a result of German levies, has just sent a report on this question.

I do not wish to prolong any more my explanation by reading all this report. I shall ask the Tribunal's permission to quote the conclusion, which I submit under the number 264-BIS. I just received this recently, and I submit the entirety. I haven't been able to have it reproduced, but I have it reproduced in two copies, and I submit those two copies. Here are the conclusions of Dr. Laroche.

"We see how great were the misdeeds of the rationing imposed by the Germans upon the French during the occupation period from 1940 to 1944. It is difficult to give in an exact fashion the number of human lives done away with by excessive rationing. We would require general statistics which we have been unable to establish.

"Nevertheless, without under-estimating, we may well believe, in including patients in institutions, that the loss of human life from 1940 to 1944 struck at least 150,000 persons.

"We must add a great number of cases which were not fatal, of physical and intellectual weakening, often incurable, of the mal-development of children, and so forth.

"We think that we can derive from this presentation, unfortunately incomplete, three conclusions.

"First: the German occupation authorities deliberately sacrificed the lives of patients in public institutions and hospitals.

"Second: everything happened as if they had wished to

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organize in a rational and scientific fashion the weakening of the health of adolescents and adults.

"Third: suckling babies and young children kept a normal ration. It is probable that this privileged situation is explained by the fact that the Nazi leaders hoped to spread more easily their doctrine among beings who would not have known any other conditions of life and who would have, through a directed education, accepted their domination, when they knew they could not expect through force to convince adolescents and adults."

The report is signed by Professor Guy Laroche.

This report, gentlemen, has attached to it a photograph which you will find at the end of the document book. I permit myself to hand it to you.

The unfortunate beings that you see in that picture are not the martyrs of concentration camps or reprisal camps. They are simply the mad persons in an asylum in the outskirts of Paris who fell into this state of physical weakness as a result of under-nourishment. If these men had had the regime of the asylum prior to rationing, they would have been as strong as normal people. Unfortunately for them, they were reduced to the official rationing alone and found themselves unable to obtain the slightest supplement.

Let not my adversaries say that the German people have reached any such degree of starvation. I would reply to them that in the first place, it is not correct. For four years the German was not cold, he was not under-nourished; but, on the contrary, he was well fed, warmly clothed, well-shod, with products stolen from the occupied countries under the minimum defensible part which was the minimum for the existence of the populations of these countries. Remember, gentlemen, the words of Goering when he said, "If famine is to reign it will never happen in Germany."

I would reply, secondly, to my adversaries and to their objections, that the Germans willed the war which they initiated.

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But they did not have the right to starve other peoples to try to carry out their enterprise of world domination. If today they are in a difficult situation, it is the result of their conduct, and they seem to have no right to present the famous sentence, "I did not will that."

I have concluded my explanatory remarks. If you will permit me, I will conclude in two minutes the whole of this presentation in reminding the Tribunal in a few words what was the premeditation in crimes for which the German administrators are guilty from an economic point of view.

The execution of racial theories and the theories of living space was to engender an inexorable economic situation which was to force the Nazi leaders to war.

In a modern society because of the division of work, of its concentration, of its scientific organization, the notion of national capital takes on more and more a primary importance, whatever may be over a social principle of its distribution between nationals, or its possession in all or in part by diverse States.

Now, national capital, public or private, is constituted by the effort of labor and of savings of successive generations. Saving, or the putting in reserve of the products of labor as a result of privations which were freely consented to, must exist in proportion to the needs of the concentration of industrial enterprises of the country.

In Germany, a country highly industrialized, this equilibrium did not exist. In fact, the expenditures, private or public, of this country surpassed its means. Saving was insufficient. The institution or establishment of a system of obligatory savings was formulated only through the creation of new taxes and can never replace true savings.

As a result of the war of 1914-1918, after having cleverly gotten rid of the burden of reparations--and I shall point out that

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two-thirds of the sum remained charged to France as far as this country is concerned--Germany, which really established its gold reserve in 1926, set about a policy of foreign borrowing and spent without counting. Finding it impossible to keep its agreements, it found no one who was willing to loan, and after Hitler's accession to power, his policy became more definite. It is isolated in a closed economic system, utilizing all its resources for the preparation of a war which will permit it--or at least that is what they hoped--to take through force the property of its western neighbors and then to turn against the Soviet Union in the hope of exploiting for its own profits the immense wealth of this great country.

It is the application of the theories formulated in "Mein Kampf" which had for a corrolary the enslavement and then the extermination of the populations of conquered countries.

In the course of the occupation the invaded nations were systematically pillaged and brutally enslaved which would have permitted Germany to obtain its war ends, that is to say, to take the patrimony of the invaded countries, to gradually exterminate their populations, had the valor of the United Nations not freed them.

Instead of becoming enriched from looted property, Germany was engulfed in a war which she had provoked to the very moment of its failure.

Such activity, consummated by the German leaders contrary to international law and notably contrary to the Hague Conventions, as well as the general principles of penal law in force in all civilized nations, constitutes War Crimes, for which they must answer before your high jurisdiction.

Mr. President, I should like to add that the French Prosecution had proposed to present a statement of the pillage of works of art in the occupied countries of Western Europe, but this question has already been discussed in the briefs of our American colleagues,

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briefs which seem to us to establish without any question the responsibility of the Defendants. In order not to prolong the Hearing, the French Prosecution feels that it is its duty to refrain from presenting this question again, but we remain respectfully at the disposal of the Tribunal if in the course of the trial they feel they need further information on this question.

The presentation of the French Prosecution having been concluded, I shall hand the floor over to Captain Sprecher of the American Delegation, who will give a statement on the responsibility of the accused Fritsche.

CAPTAIN SPRECHER: May it please the Tribunal, I notice that Dr. Fritz, the Defendant's attorney, is not here, and in view of the late hour, it would be agreeable if we went over until tomorrow.

THE PRESIDENT: It is five o'clock now, so we shall adjourn in any event now.

(Whereupon the Tribunal adjourned at 17.00 hours, to reconvene at 10.00 hours, 23 January, 1946.)